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Attorneys for MARK ANTHONY INTERNATIONAL, SRL  
and AMERICAN VINTAGE BEVERAGE, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MARK ANTHONY INTERNATIONAL, SRL, a  
Barbados corporation, and AMERICAN  
VINTAGE BEVERAGE, INC., a Delaware  
corporation,

Plaintiffs and Counter Defendants,

vs.

JACK DANIEL'S PROPERTIES, INC., a  
Delaware corporation,

Defendant and Counter Plaintiff.

No.: 3:12-cv-02105-RS

**COUNTER DEFENDANTS'  
ANSWER TO  
COUNTERCLAIMS**

Plaintiffs and Counter Defendants Mark Anthony International, SRL and American Vintage Beverage, Inc. (collectively, "Mark Anthony") answer the counterclaims (the "Counterclaims") of Defendant and Counter Plaintiff Jack Daniel's Properties, Inc. ("JDPI") as follows:

1. Mark Anthony admits the allegations contained in paragraph 1 of the Counterclaims.
2. Mark Anthony admits the allegations contained in paragraph 2 of the Counterclaims.
3. Mark Anthony states that no response is required to paragraph 3 of the Counterclaims.
4. Mark Anthony admits that JDPI purports to assert counterclaims as described in paragraph 4 of the Counterclaims and that this Court has subject matter jurisdiction over this action, and denies the remaining allegations contained in paragraph 4 of the Counterclaims.
5. Mark Anthony admits the allegations contained in paragraph 5 of the Counterclaims.
6. Mark Anthony admits that the JACK DANIEL'S mark has been used in connection with whiskey and other products, denies that Mark Anthony has engaged in any acts of trademark infringement, unfair competition or dilution, and lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 6 of the Counterclaims, and on that basis denies them.
7. Mark Anthony lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Counterclaims, and on that basis denies them.
8. Mark Anthony lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Counterclaims, and on that basis denies them.
9. Mark Anthony admits that JACK DANIEL'S is a famous mark in the United States for whiskey, denies that Mark Anthony has engaged in any acts of trademark infringement, unfair competition or dilution, and lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 9 of the Counterclaims, and on that basis denies them.

10. Mark Anthony lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Counterclaims, and on that basis denies them.

11. Mark Anthony denies that it has engaged in any acts of trademark infringement, unfair competition or dilution, and lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 11 of the Counterclaims, and on that basis denies them.

12. Mark Anthony lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Counterclaims, and on that basis denies them.

13. Mark Anthony lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Counterclaims, and on that basis denies them.

14. Mark Anthony admits that Mark Anthony International, SRL produces, promotes and sells, and American Vintage Beverage, Inc. distributes in the United States, a margarita-flavored malt beverage under the trademark CAYMAN JACK, and lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 14 of the Counterclaims, and on that basis denies them.

15. Mark Anthony admits that the reptile character shown on the packaging for the CAYMAN JACK product is not intended by Mark Anthony to be known or identified as “Cayman Jack,” and denies the remaining allegations contained in paragraph 15 of the Counterclaims.

16. Mark Anthony lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Counterclaims, and on that basis denies them.

17. Mark Anthony denies the allegations contained in paragraph 17 of the Counterclaims.

18. Mark Anthony repeats and realleges its responses to paragraphs 1–17 of the Counterclaims as though fully set forth herein.

19. Mark Anthony denies the allegations contained in paragraph 19 of the Counterclaims.

20. Mark Anthony denies the allegations contained in paragraph 20 of the Counterclaims.

21. Mark Anthony denies the allegations contained in paragraph 21 of the Counterclaims.

22. Mark Anthony denies the allegations contained in paragraph 22 of the Counterclaims.

23. Mark Anthony repeats and realleges its responses to paragraphs 1–17 of the Counterclaims as though fully set forth herein.

24. Mark Anthony denies the allegations contained in paragraph 24 of the Counterclaims.

25. Mark Anthony denies the allegations contained in paragraph 25 of the Counterclaims.

26. Mark Anthony denies the allegations contained in paragraph 26 of the Counterclaims.

27. Mark Anthony denies the allegations contained in paragraph 27 of the Counterclaims.

28. Mark Anthony repeats and realleges its responses to paragraphs 1–17 of the Counterclaims as though fully set forth herein.

29. Mark Anthony denies the allegations contained in paragraph 29 of the Counterclaims.

30. Mark Anthony denies the allegations contained in paragraph 30 of the Counterclaims.

31. Mark Anthony denies the allegations contained in paragraph 31 of the Counterclaims.

32. Mark Anthony denies the allegations contained in paragraph 32 of the Counterclaims.

### **Answer To Prayer For Relief**

Mark Anthony specifically denies that JDPI is entitled to the relief requested or to any other relief as to any of the claims set forth in the Counterclaims.

**Affirmative Defenses**

1           1. Counter Plaintiff's Counterclaims, and each of them, fail to state a claim upon which  
2 relief can be granted.  
3

4                                   \*   \*   \*   \*   \*

5           WHEREFORE, Mark Anthony respectfully requests that the Court enter a judgment in its  
6 favor dismissing JDPI's Counterclaims in their entirety and granting such other and further relief to  
7 Mark Anthony as the Court deems just and proper.  
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9           Dated: July 16, 2012

10                                   Respectfully submitted,

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